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State University of New York at Buffalo School of Law

March 6, 1975

Misunderstanding Claimed In Flynn Controversy

by Ray Bowie

In a recent report to the Student Bar Association, Provost Richard Schwartz discussed the events surrounding the placement controversy from the administration's perspective.

Noting wide student dissatisfaction with the lack of consultation afforded students in his attempted appointment of a new placement director in January, Provost Schwartz cited a "misunderstanding of events leading to the situation."

For two years, he explained, the Law School had attempted to secure an administrative line for a placement director. As various offices within and without the University resisted a separate placement facility for the School, the best that could be obtained last year was the use of a faculty line for partial placement and partial teaching functions, which line has been occupied by Ms. Pat Hollander.

With the freeing this fall of the administrative line formerly occupied by the Assistant Dean for Student Affairs, Provost Schwartz said that a possibility opened to reclassify that line for use by a full-time placement director. Since the line had a salary ranking of PR-3, paying between \$18,000 and \$22,000, the administration felt that it would be attractive enough to secure the services of a lawyer with contacts in the profession, who would then be able to serve as the School's "outside" placement officer.

The Law School, Provost Schwartz continued, tried to reclassify the PR-3 line from student affairs to placement and a variety of other administrative functions. The reclassification was accomplished later in the fall, and Assoc. Dean Fleming assumed responsibility for chairing the search committee for candidates in November. Due to the PR-3 salary range of the line, strict qualifications, the Provost told SBA, were necessary to justify the use of the line for placement and related functions, these being established as two years of legal practice and one year of administrative experience.

The difficulties began, Schwartz related, when the School first sought to advertise the opening. Plans had been laid to place advertisements for the placement directorship in the local newspapers, *The New York Times*, and several legal journals. However, since the University Administration desired to collect a

number of job vacancies and advertise them together, delays resulted in getting the advertisement into print. Accordingly, said the Provost, the placement directorship ad was not run in the *Times* until December 22.

Events then moved at such a rapid pace, revealed Schwartz, that Mr. Fleming was unable to contact students quickly enough to allow them to participate in an expedited interviewing schedule necessitated by Gov. Carey's announcement of a State hiring freeze effective as of January 8. By Dec. 22, when the ad was run, classes were already out of session, he explained, and Fleming had been urged only to beat the hiring freeze, with Dec. 31 set as the deadline for applications.

Mr. Fleming, Provost Schwartz added, had expected to include student participation in the interviews which followed, "but the freeze impelled quick action at a time when the students were unavailable."

Acting alone, Fleming used the job qualifications to select two out of the 38 applicants for actual interviews. Four former or present Presidents of the Law Alumni Association were then invited, according to Schwartz, to interview the two candidates, the Administration inviting them to do so in the belief that alumni input might be a good test of how employers might react to a placement director. The four — Hon. Rudolph Johnson, Hon. M. Dolores Denman, M. Robert Koren, and Harold Brand — advised against both of the two candidates on January 3, concerned that neither would make the right impression upon employers.

Immediately thereafter, Provost Schwartz said that local recommendations led to William Flynn, a 1974 graduate, being interviewed as a candidate. Following an interview by the alumni presidents' committee and favorable reactions, Schwartz stated that he offered the job to Flynn on January 7, the day before Carey's freeze after two other prospects had declined to be considered.

The offer ran into trouble, the Provost admitted, later in January when the University blocked Flynn's appointment for failure to meet the original job qualifications. Provost Schwartz told SBA that he had made "a mistake" in equating Mr. Flynn's clerkship experiences and Law Review editorship with the three years of practice and administration required for the job. The University's Per-



sonnel Office refused to accept Mr. Flynn's qualifications as adequate equivalents for the original.

Schwartz informed SBA that the search would have to be reopened now and pledged to include both students and alumni on the search committee. While the PR-3 salary range will be maintained, he told *Opinion* that the job qualifications have now been revised, in consultation with the student placement committee, to include three years experience in either legal practice, executive placement, or administration.

Hoping that the hiring freeze may lift somewhat later this spring, leaving the University with some discretion as to new hiring, Provost Schwartz added that he hopes to schedule interviews of candidates in the last two weeks of April. The SBA has been asked to provide 50% of the total advertisement and travel expenses connected with the search, totalling about \$1500.

by Louise Tarantino

Michael Davidson, visiting associate professor at this law school, has recently been appointed to the Governor's Task Force on Housing, an advisory committee designed to assist Governor Carey.

Chaired by former Secretary of Housing and Development Robert Weaver, the committee was created to consider and research statewide housing problems, including the state of New York's Urban Development Corporation, abandonment and rehabilitation, rent control, building codes and co-

Gerasia Ticket Sweeps Election

The "Get Involved" ticket, headed by presidential candidate Rosemary Gerasia, scored a clean sweep in last week's SBA elections. Ms. Gerasia defeated Ray Bowie for the SBA Presidency, 232-142. Cynthia Falk was elected 1st Vice President by a 152-120 margin over Scott Alcock, with Michael Kilburn third with 88 votes. Glenn Davis was victorious over Paul Edgett in the contest for 2nd Vice President, 178-142. Cliff Solomon edged Carol Baron in the race for SBA

Secretary, 176-167, while Cathy Novak swamped Eric Zaetsch in the Treasurer's contest, 211-138.

Six second year directors were also elected. Ralph Chervenak, Brent Wolsen, Warren Gleicher, Jose Sosa and Margaret Wong, who were on the ballot, as well as Larry Meckler, who wasn't, were elected. The contest for first year directors was marred by the omission of two of the candidates' names from the ballot, and will have to be held again at a later date.

Hodgson Calls for Guardianship

"The only way to protect the legal rights of the mentally retarded is through guardianship," commented Robert J. Hodgson before about twenty students and faculty on Monday, February 24.

Mr. Hodgson, a lawyer, is director of the New York State Association for Retarded Children. In that capacity, he explained that he is particularly concerned with the "legal" rights of retarded persons, as opposed to what are broadly termed "idealized social rights" that are often claimed on behalf of the retarded. Furthermore, Mr. Hodgson indicated that when he speaks of "rights," he is not referring to "the debatable right to life of the unborn retarded." Knowledge of the potential mental ability of the unborn is becoming increasingly more available with the development of pre-natal testing devices.

Rights to be protected

"The rights of the retarded which must be protected are those which are established for all persons, by constitutional, case and statutory law," stated Mr. Hodgson. He mentioned these as the rights of due process, privacy, counsel, and no enforced labor, among others. Mr. Hodgson commented that unfortunately the right to vote is often "taken advantage of by some of the institutions," adding, "sometimes you wonder just who is pushing the button."

The major area of conflict for the retarded is that they are often presumed competent at the age of 18, unless a guardian is assigned to them. At that age, they are simply "dumped out of the state institutions," according to Mr. Hodgson. That is the crucial time when a law guardian should be assigned.

— continued on page 4

Davidson Appointed To Task Force

ordination of the State's housing agencies.

Davidson is involved in a subcommittee on abandonment and rehabilitation.

Prior to this term, Mr. Davidson directed an office in New York City's Housing and Development administration which represented the City in Housing Court and enforced housing codes and rent control regulations.

Prof. Davidson expressed an interest in the effect of the Task Force Committee Report on Buffalo's housing situation. He supported the "desirability of authorizing Buffalo the resources

and enforcement facilities similar to those available in New York City," including special legislation for housing.

Davidson also supports the "uniform applicability" of this legislation statewide, rather than its being limited to the New York City area.

The task force, which is made up of six sub-committees, is expected to make its preliminary recommendations in early March.

Davidson currently teaches a first-year small group elective on Racial and Economic Discrimination in the Location of Low Income Housing.

Editorials

Change the Vacation

An interesting aspect of the policy of this University regarding vacations has been the curious practice of scheduling the Easter vacation during the early part of March. While the reasons for this strange policy are apparently shrouded in mystery, we believe that the schedule should be changed in future years.

The spring vacation should be returned to the traditional period at the end of March, thus encompassing both Passover and Easter much of the time and allowing students time off to celebrate the holidays. This would be another step towards improving the entire law school calendar if adopted in conjunction with the proposed "early" calendar.

A Move Forward

Recently, Professor Al Katz rendered a service to the law school community by offering several lectures on the subject of federal jurisdiction. The sessions were well attended and informative.

We think that it would be an excellent idea if some other faculty members would find the time to deliver a few lectures about a topic in which they are particularly well-versed. Mr. Katz' example, if followed, would open up a new field which would benefit the law school community as a whole.

by Don Lohr

Although this column will serve as a farewell, I sincerely hope that it will mark the beginning of a new era for the Student Bar Association in which the underdeveloped potential inherent in that body begins to be exploited. To that end, I propose the following recommendations, based upon considerable experience.

As to organization, the SBA Constitution should be completely revised so as to provide for, among other things, a Student Judiciary. The need for such a forum was obvious in connection with the *Opinion* election dispute.

In addition, I firmly believe that the Second Vice Presidency should be eliminated and the function of liaison with the University should devolve upon a triumvirate of directors. Furthermore, the total number of directors should be reduced from six to three per class.

Finally, in order to insure to a greater extent that students are effectively represented on faculty committees, each director should be obligated to sit on a faculty/student committee.

Regarding functions, I would recommend earmarking a substantial part, perhaps as much as seventy-five percent of the entire budget, for use in connection with the establishment and operation of a full-time professional placement service.

I would strongly advise against the funding of conventions, unless

this law school was hosting such convention, simply because the benefits which accrue to the students at large and arguably to the particular organization involved are minimal or outweighed by the countervailing costs.

Additionally, I believe that the reinstitution of the Professor of the Year Award, to be awarded on the basis and in recognition of

outstanding professional, scholarly and teaching contributions by a faculty member would be worthwhile in helping to promote better faculty/student relations.

These recommendations are put forth with the intention of improving the Student Bar Association and thereby redounding to the benefit of students and the law school.



President's Corner

Alumni Honored

The Law Alumni Association has announced the recipients of its Outstanding Alumni Awards: Hon. Sebastian J. Bellomo for Judicial Service; Robert W. Grimm for Public Service; M. Robert Koren for Private Practice; and John E. Leach for a Special Posthumous Award.

The awards will be presented to the honorees or their representatives at the Alumni Association's Annual Dinner Friday, March 21, at the Buffalo Athletic Club. The dinner, an annual fund-raising event, is being organized this year by Harold J. Brand, Jr., from whom tickets are available at \$15 per ticket and \$10 per escort (\$25 per couple). Attendance at the festivities, which begin at 6 p.m., is not limited exclusively to alumni. Spouses, guests, and members of the legal community are also encouraged to attend.

Tickets have been sent to those on a mailing list, and returns for tickets that have been sold should be made no later than March 14. Ticket purchasers are asked to advise if an individual, a firm, or an organization desires to reserve a table (10 per table), or if anyone wishes to purchase a ticket to be given to a law student in the name of that lawyer or firm.

LOST - BRAIDED WEDDING RING: Call Bob at 688-6140, generous reward - no questions asked.

Turn of the Screw

by Ian DeWaal

There are still a number of class cards waiting to be picked up at the Registrar's office. Please do so immediately in order to check your registration. If you are not registered for the courses you requested, please see Mr. Wallin.

Students will not be permitted to take final examinations in courses for which they are not officially registered.

Please be advised that early start/early stop calendar is still being considered for next year. If you wish to express an opinion on this proposal, please address your comments to the Budget and Program Review Committee as soon as possible.

Under alternate proposals, classes would start either the day after Labor Day, or the week before. The Veterans' Day and Columbus Day holidays would be eliminated under one plan, with finals being held up to two days before Christmas.

Both proposals envision finals being held before the Christmas recess.

There has been some confusion over Scholar Incentive awards. Applications for the current year will be accepted no later than May 15, 1975. Applications for the next school year will be available in June, 1975.

Students who plan to attend summer school are eligible for Scholar Incentive awards and State University Scholarships provided that they are enrolled for at least two courses. Applications should be made at the same time that you apply for the 1975-76 school year by checking the box labeled summer, 1975. Remember that your eligibility for Scholar Incentive assistance is limited to eight semesters of graduate study. However, you may still be eligible for a State University Scholarship after your eligibility for Scholar Incentive is exhausted.

If you are applying for a New York Higher Education Assistance Corporation (NYHEAC) loan for next year, you should plan to submit an application early in June in order to insure that your check is available in the fall.

Finally, please check with the Financial Aid office to see if the College Scholarship Service has forwarded your Parents' Confidential Statement or Student's Financial Statement and your application is complete. You will save yourself a lot of trouble later if you check on this now.

Letters to the Editor

To the Editor:

While I was much amused by Mr. Chamberlain's column of February 20, "Fish In A Barrel," I also considered it a prime example of Thoreau's concern that for every score of people hacking away at the branches of a problem, there is only one trying to get at the roots. Few would contend that student government should be taken to task when they have failed to keep their promises.

However, besides apathy there is a larger problem here. Unlike European, or even several exceptional American centers of higher learning, in law school, there is no part of the student body which effectively spans two generations of law school classes. Consequently there is no nucleus of seasoned defenders of student rights who can pass on their legacy, and more important, their tactical experience in having our voices heard.

We all know the ills of student government, only Mr. Chamberlain is able to articulate them more effectively than the rest of us. Certainly an individual who quotes Jonathan Swift and has an appropriate anecdote up his sleeve by an obscure Texas politico is capable of more than just verbal terrorism. Please Jeff, next time get yourself a pitchfork.

To the Editor:

At first glance, the plain stupidity of two current SBA officers endorsing an SBA presidential candidate whose chief slogan is that SBA has been a bad joke overwhelms mere questions of journalistic taste.

Nevertheless, such a question - Should *Opinion* provide space, enclosed with black lines, for two students to make partisan political statements endorsing *Opinion's* former (still warm) Editor-in-Chief? A: No. - leads to an issue which may be worth considering.

In the past, *Opinion* and SBA have been pretty intimate. At times, SBA President [Don] Lohr, ostensibly in his role as an occasional columnist, sat in on meetings at which editorial decisions were made.

This practice raises the question of who, if anyone, is going to rake SBA's muck - or is SBA only supposed to be criticized at election-time, by new candidates? If *Opinion* is to be of any service at all to us, it should be independent of SBA politics.

John Stuart

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Opinion

Abbott Gorin

END OF THE BAR

by Jeff Chamberlain

"A lawyer without history or literature is a mechanic."

Sir Walter Scott

Perhaps no figure in the world of Gilbert and Sullivan is more frequently caricatured than is the lawyer. Not surprisingly, W.S. Gilbert, the librettist of the duo, was a practicing attorney. He was educated at the University of London, and became a barrister in 1866. In his later years, he became a magistrate, a judicial post he occupied until his death in 1911. Upon his appointment, the high sheriff asked, "You have, I believe, studied law as a barrister, and have a sound knowledge of it?" Gilbert replied, "That is so, but I hope you will not consider it an impediment."

The operettas are full of gibes at attorneys. When I recently heard *HMS Pinafore*, I was able to see in a new light the famous song of Sir Joseph Porter, First Lord of the Admiralty — who, you may recall, as a lad "served a term / as office boy to an attorney's firm," rose through the ranks to become first a junior and then an articulated clerk, until finally:

Of legal knowledge I acquired such a grip
That they took me into the partnership.
And that junior partnership, I ween,
Was the only ship that I ever had seen.
But that kind of ship so suited me,
That now I am the ruler of the Queen's Navee!

I grew so rich that I was snet
By a pocket borough into Parliament
I always voted at my party's call,
And I never thought of thinking for myself at all.
I thought so little they rewarded me
By making me the ruler of the Queen's Navee!!

Gilbert's definition of a lawyer appeared in *Utopia, Unlimited*, in the person of Sir Bailey Barre, QC, MP:

A complicated gentleman allow me to present,
Of all the arts and faculties the terse embodiment,
He's a great Arithmetician who can demonstrate with ease
That two and two are three, or five, or anything you please;
An eminent logician who can make it clear to you
That black is white — when looked at from the proper point of view;

A marvelous Philologist who'll undertake to show
That "yes" is but another and a neater form of "no."

To which Sir Bailey agrees, and he adds:

All preconceived ideas on any subject I can spout
And demonstrate beyond all possibility of doubt,
That whether you're an honest man or whether you're a thief
Depends on whose solicitor has given me my brief.

The professional responsibility of a lawyer is summed up by the Lord Chancellor in *Iolanthe*, who says, "I have always kept my duty strictly before my eyes, and it is to that fact that I owe my advancement of my present distinguished position." He goes on:

When I went to the Bar as a very young man,
(Said I to myself — said I),
I'll work on a new and original plan

(Said I to myself — said I).

I'll never assume that a rogue or a thief
Is a gentleman worthy implicit belief.
Because his attorney has sent me a brief
(Said I to myself — said I).

And I'll never take work I'm unable to do
(Said I to myself — said I).
My learned profession I'll never disgrace
By taking a fee with a grin on my face.
When I haven't been there to attend to the case
(Said I to myself — said I).

I'll never throw dust in a juryman's eyes
(Said I to myself — said I),
Or hoodwink a judge who is not ever wise
(Said I to myself — said I)
Or assume that the witnesses summoned in force
In Exchequer, Queen's Bench, Common Pleas, or Divorce,
Have perjured themselves as a matter of course
(Said I to myself — said I).

In other professions in which men engage
(Said I to myself — said I),
The Army, the Navy, the Church, and the Stage
(Said I to myself — said I),
Professional license, if carried too far,
Your chance of promotion will certainly mar —
And I fancy the rule might apply to the Bar
(Said I to myself — said I).

But, in *Trial By Jury*, Gilbert proposes an entirely different approach:

When I, good friends, was called to the Bar,
I'd an appetite fresh and hearty,
But I was, as many young barristers are,
An impecunious party.

But I soon got tired of third-class journeys,
And dinners of bread and water;
So I fell in love with a rich attorney's
Elderly, ugly daughter.

The rich attorney, he jumped with joy,
And replied to my fond professions:
"You shall reap the reward of your pluck, my boy
At the Bailey and Middlesex Sessions."
"You'll soon get used to the looks," said he,
"And a very nice girl you'll find her!
She may very well pass for forty-three
In the dusk with the light behind her!"

The rich attorney was as good as his word;
The briefs came trooping gaily,
And every day my voice was heard
At the Sessions or Ancient Bailey.
All thieves who could my fees afford
Relied on my orations,
And many a burglar I've restored
To his friends and his relations.

Needless to say, upon his achieving success, the hero dumps his ugly wife.

Review Competition Opens

The *Buffalo Law Review* has announced plans for the selection of Associate Editors from the current first-year class. An approximate total of thirty new Associates will be selected. About fifteen of them will be selected on the basis of superior grades and an "acceptable" performance in a writing competition. The other fifteen new Associates will be selected on the basis of superior performance in the writing competition and "acceptable" grades. An "acceptable" grade record means no more than one "D" grade for the first two semesters' work.

All candidates for membership are required to submit a formal writing sample. This paper is an analysis of a recent case. Cases are assigned by the *Review*.

All interested first-year students should register for the competition at the *Review* offices, room 605, before March 7. When registering, each student will be required to sign a grade release authorization, and to list each course that he or she has taken and is taking.

The writing competition will run from March 17 through May 15. Candidates may choose any date during that period to pick up their case assignment. Completed papers are due ten days after the cases are picked up, Sundays and holidays included. All papers must be turned in by May 15. Full instructions will be included with each case assignment.

The *Buffalo Law Review* is a national legal periodical which publishes scholarly papers related to many areas of law. Associate Editors assist the Senior Editors in the publication of the journal. In addition, associates are expected to write a publishable article during their second year. Associates who, in the opinion of the Board of Editors, perform satisfactorily are promoted to Senior Editors for their third year. Candidates should be aware that Associate membership on the *Review* will require a considerable outlay of time and effort. Any questions about the *Review* generally, and the Associate selection process in particular, should be addressed to the staff of the *Review* room 605.

Federal Tax Z One Congressman's Study

by Gerry Schultz

This column discusses the reform and the effects of the existing tax system, two subjects that receive little or no attention in the many tax courses offered at this school. It is my position that it is equally important to learn the effects of the law one is dealing with as to learn the law itself. This school should not merely train legal technicians, as cognizance of the social and political effects of the law also should be taken. It is also my position that the federal tax law as it is now written operates to subsidize rich people and corporations and that this bias should be reversed to favor the non-rich.

CORPORATE TAX EVASION,

FEDERAL TAX SUBSIDIES

Congressman Charles Vanik, using data gathered by the Joint Committee on Internal Revenue Taxation, with the assistance of the General Accounting Office, prepared a report on the approximate federal income tax payments of 160 of the nation's largest corporations in 1973. He

obtained tax data sufficient for analysis from 143 companies. Of these, 10, with total profits of \$976 million, paid no federal corporate income tax. Another 20, making 5.28 billion dollars in total profit paid an effective federal corporate income tax rate of between 1 and 10 percent. These corporations did nothing illegal. They simply used a veritable multitude of tax "preferences," "subsidies," "loopholes" — whichever you prefer. The crucial point is that these loopholes were not formulated as a result of olympian deliberation by a neutral impartial presence. They are a direct result of corporate power working through government.

Congressman Vanik found that the statutory corporate tax rate of 48 percent is a myth. The average effective tax rate of the 143 companies was 23.6 percent, less than half the statutory rate. From 1967 to 1973, corporation income taxes as a share of total federal receipts declined from 22.7 to 14.9 percent. Corporate profits in 1973 were 25 percent higher than in 1972, yet tax payments rose only 10 percent. Of the 143 corporations studied, 8 commercial banks had an effective tax rate of 9.6 percent; 16 transportation corporations, 15.1 percent, 10 utilities, 18.0 percent.

From his research the Congressman noted the following trends and made the following findings:

1) The tax code (the yellow book almost all of us are familiar with) helps big corporations get bigger, since only the larger corporations can take full advantage of the complex of tax subsidies. In short, the tax code encourages conglomerates and monopolies. The tax code should be

altered to aid small businesses and encourage competition instead of monopoly.

2) Oil companies pay almost no federal corporate income tax, even in a year in which windfall profits were beginning to accumulate. Exxon paid 11.2 percent, Mobil 5.0, Texaco 2.3.

3) Banks are becoming the controlling force in our economy through the accumulation of large, tax-free profits. Leasing activities — actually the selling of tax benefits — are an important strategy most banks follow.

4) Utilities, which are considered to be in financial trouble, already pay almost no taxes. Therefore, the proposed extension of additional investment credits to utilities may have little or no effect while costing the taxpayer additional billions.

5) In addition to the low tax rate among utilities and oil companies, the average tax rate of mining companies is far below average — only 13.4 percent. This means that despite today's high materials prices, we have been subsidizing the use of minerals and fuels. The cost of these items — if they were to bear the same tax rate as other commodities — would be much higher. By the use of subsidies, we have hidden these costs and encourage waste instead of conservation. We have encouraged the development of a throw-away economy instead of an economy that recycles and preserves.

6) Because of variations in accounting procedures, it is still extremely difficult to determine the exact rate of federal corporate tax payment. In other words, clearer reporting requirements should be instituted.

Sudden death

by Dave Geringer

During the past several years, various members of the Student Assembly have advanced many different proposals to cut the Student Association's allocation to intercollegiate athletics. Some of these attempts have come dangerously close to succeeding. However, there is a real chance of these groups' succeeding this year in reducing athletic department funding by cutting the number of men's intercollegiate sports funded from eleven to five. The repercussions which would be grave, would be felt by every student on this campus.

A reduction in funding intercollegiate sports would almost certainly lead to partial or total elimination of the proposed Amherst Campus field house, slated for completion in several years. In addition to providing a first class facility, the field house would have a large amount of space which could be used for recreational purposes. In addition, the Amherst Bubble and Clark Hall could both be freed for use as recreational facilities. Students who complain that they can never get a

basketball court in Clark Hall, or can not use the other facilities (both legitimate complaints), would enjoy a vastly improved recreational program.

This would go down the drain if the field house was partially or totally dropped, not an unlikely proposition considering the state of the economy. It will also be easier to justify to the State Bureau of the Budget after the abolition of several sports at Buffalo.

In addition, a fairly recent move by the state legislature to ban the mandatory fee was stopped when the legislators realized that sports at all of the State University campuses were funded only by the fee. The abolition of several sports here may change the mind of the elected representatives. The mandatory fee supports almost all of the student activities here, and its elimination would turn the entire SUNY system into a collection of classrooms. Some students may actually favor that concept, but it may be imposed upon all the rest of us if a minority of students representing interest groups in the Student Assembly have their way.

Athletic Budget Passed

The undergraduate Student Assembly voted last week to fund the athletic department next year at the same rate (\$222,000) as it had been funded this year. The SA did pass a proposal that eliminated funding for six minor sports (track, cross-country, golf, fencing, swimming and tennis) but added an "operational" line of \$29,000. The department must use \$9,000 of that line to make up a deficit, but will undoubtedly use the other \$20,000 to fund the six sports which the SA had decided to eliminate. Those six sports were funded at \$28,000 this year, so cuts will have to be made in order to compensate for this discrepancy.

Basketball Bulls Victorious Again

by Dave Geringer

The basketball Bulls won two of their last three contests and improved their season's record to 8-15 in setting the pace for Buffalo's major intercollegiate teams in recent action. The wrestling Bulls lost their final dual meet at Cleveland State before capturing the championship at the New York State Tournament while the hockey Bulls lost their last three games and finished out of the playoffs for the third consecutive season.

After gaining the obvious distinction of being the only local college basketball squad to lose to a touring Athletics in Action team (78-70), the Bulls rebounded to trounce Rochester, 81-62, and set the stage for season-ending contests against Pittsburgh and crosstown archrival Buffalo State. Sophomore forward Mike Jones scored 30 points in his best effort to date in a Buffalo uniform, while Sam Pellom took down 26 rebounds in pacing the Bulls to an incredible 90-30 rebounding margin over the Yellowjackets. Buffalo allowed Rochester to stay close with a very poor first half shooting performance before breaking the contest open with eighteen consecutive points early in the second half. Before their loss to AIA, the Bulls had dropped their final road game of the season at Cornell, 102-89, and whipped a tough Akron squad at Memorial Auditorium by 62-56.

Wrestlers Win Again

The wrestling Bulls successfully defended their N.Y. state title at Rochester Tech after bowing in their final contest of the season (final record 4-3-1) at Cleveland State, 25-12. Ray Pfiefer at 118 lbs, Jim Young at 134 and Emad Faddoul at 177 all won individual championships for the Bulls in the state championship event. Buffalo wrestled at the Eastern Regional Qualifying Tournament last weekend in an attempt to send several Bulls to the national tournament at Princeton.

The hockey Bulls concluded what could best be termed a disappointing season in disappointing fashion, being trounced by Ithaca, a second-rate squad, 8-2, before dropping two overtime games at home to archrival Oswego by identical 605 scores. Buffalo blew a 5-3 third period lead in both Oswego contests, allowing the Lakers to score with 27 seconds left and again with just four seconds remaining after lifting goaltender Steve Paluseo for an extra attacker Saturday night, losing in overtime. The Bulls finished at 11-18-1, their worst overall record since becoming a varsity squad five years ago.

by Howard Rosenhoch

The recent past is all too easily forgotten by many of us. It wasn't long ago that gasoline could be purchased only every other day and never on Sunday. The end of the month produced panic-stricken buyers with empty tanks. The citizens of the highest per capita energy consuming nation known to man were chilled by the thought of threatened cut-offs of home heating oil and natural gas. While prices and availability of gasoline have, for the present, stabilized, and our homes are still warmed by precious fossil fuels, the problems of energy management and conservation still remain. Interestingly, though, no comprehensive national energy policy has emerged from the Congress on the order of the National Environmental Policy Act of 1969.

Paul Hudson, a staff attorney with the New York Public Interest Research Group in Binghamton, is deeply concerned with problems of energy conservation and management. Last Wednesday, February 17, he addressed the Environmental Law Society on that subject. Mr. Hudson discussed the Safe Energy Act, a package of bills which will be introduced in the New York legislature in the next few weeks. The Act is patterned after the Nuclear Safeguard Initiative, which is likely to be on the California Ballot in 1976.

The Safe Energy Act takes a three-part view of energy management; 1) conservation, 2) development of alternative "clean" energy resources and 3) banning nuclear power plants. Mr. Hudson noted that the Act would emphasize methods of encouraging conservation. Revising building codes to reduce unnecessarily high illumination standards would effect substantial energy savings. Also, changes in the pricing structure, such as use of flat rates instead of declining bulk rates for heavy users and peak load pricing, might alter use patterns which would result in energy savings, reduction in the cost of electricity,

and a decrease in pollution. Finally, Mr. Hudson noted that a requirement of energy imposed statements for large scale projects would provide an added incentive to minimize the cost of energy as a component of a particular project.

The second part of the Act mandates the development of alternative energy sources such as wind, solar, geothermal and ocean gradient. According to Mr. Hudson, most of these methods of energy production could be available within 5 to 10 years. He explained that wind is a resource in which New York is particularly rich, with two high-speed, sustained wind corridors, one off Long Island, the other on Lake Ontario. Noting that the technology for harnessing wind energy is here, Mr. Hudson said that wind power could be on line in a few years. To illustrate its cost effectiveness and efficiency, Mr. Hudson estimated that an initial investment of \$43 million could put a somewhat modest system in operation in each corridor which would provide the energy equivalent of 10 to 20 nuclear plants.

The third thrust of the Act, and the one upon which Mr. Hudson placed greatest emphasis and urgency, is banning new nuclear facilities and phasing out existing ones. The safety of nuclear reactors has yet to be proved. But this fact, as a reason for state legislation in the area, poses grave difficulties as the federal government has pre-empted the field on the issue of safety standards. But Mr. Hudson suggested that safety, while the primary concern, is not the only problem with nuclear power. Noting the lack of efficiency (-2 to 15 percent net energy production according to recent studies) and cost effectiveness (Con Ed plants which were expected to run at 80 percent capacity ran at only 55 percent capacity last year), Mr. Hudson stated that this was one of the few times that economics is on the side of the environment. This lack of economic viability (which, incidentally, results in a higher electric bill for the consumer), is compounded by the fact that nuclear

power plants are underinsured. The cost that would be incurred by a utility for insuring a plant to the full cost of the risk of a nuclear accident would price nuclear power out of the market. The Price-Anderson Act limits the necessity of full coverage, thus enabling utilities to continue dealing in nuclear power. But, the utilities can waive the Price-Anderson limitations, leaving insurance regulation an area ripe for state intervention. If strict insurance standards were imposed by New York, requiring full coverage, they would have to be adhered to by the utilities. Since utilities could not afford to meet these standards unless safety could be shown, and since no successful tests have been run on the emergency core-coding system (the safety-value of a nuclear reactor), nuclear power would be effectively banned in New York. This is essentially what the Safe Energy Act proposes.

Mr. Hudson's discussion seemed to compel the question: Why is the development and promotion of an energy production system, as unsafe and uneconomical as nuclear power, so blindly and feverishly pursued by the federal government when viable alternatives, such as conservation and clean energy, exist? Mr. Hudson suggested an answer by analogy to the U.S. involvement in Vietnam. There it was argued by some that investments in money, people and prestige was so enormous that withdrawal would be devastating. Likewise, the government has a \$100 billion investment in the development of nuclear power. Mr. Hudson noted that an ending of that investment could, without a government bail-out, bankrupt up to six major utilities. Thus, once again, the American public is paying the price, this time in higher energy costs and a lack of safety, because its government insists on perpetuating mistakes and mismanagement.

Hopefully, a more enlightened New York Legislature will begin a multi-state trend toward the elimination of the menace of nuclear power and the promotion of rational energy conservation and management.

Hodgson . . .

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N.Y. law the best

Mr. Hodgson claimed that the legal guardianship law of New York State is "the best in the world," containing a four-point program which varies with the degree of legal assistance thought to be needed by the retarded person.

Beyond these 'established rights' which should be protected, there are further claims which should be made, asserted Mr. Hodgson. Through the courts, the Association for Retarded Children, with the assistance of the American Civil Liberties Union, is arguing for concepts such as the legal right to due care, treatment and education.

In conclusion, Mr. Hodgson indicated that still another legal right which must be recognized is the right to hold office, saying, "I will have to withhold comment on that regarding the present administration."



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